UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,769	06/28/2001	Yoshiki Kawaoka	3562-0118P	3442

2292 7590 05/05/2009

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
ARAQUE JR, GERARDO	

ART UNIT	PAPER NUMBER
3689	

NOTIFICATION DATE	DELIVERY MODE
05/05/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	09/892,769	KAWAOKA ET AL.	
	Examiner	Art Unit	
	Gerardo Araque Jr.	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29,31-34,36-40,42-49 and 51-57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29,31-34,36-40,42-49 and 51-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 June 2001, 21 July 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations disclosin **1)** the digital camera programmed to **directly** communicate with the delivery-medium producing apparatus and **2)** the controller being an integral component of the digital camera must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112, first paragraph

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 1, 15, 17, 21, 28, and 31** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant claims:

> "...a receiving unit configured to receive the plurality of images via wireless communications with the one or more digital cameras…"
> "...a controller operable to control said capturing device and to control a communication device capable of being connected to said capturing device to wirelessly communicate with an external apparatus, wherein... wherein the external apparatus is adapted to automatically store said plurality of images captured and transmitted by a plurality of capturing devices and to create image IDs respectively assigned to said plurality of images, each of said image IDs being linked to a predetermined web page on the Internet."

However, the Examiner asserts that the applicant has failed to provide any support within the specification, which discloses a digital camera that communicates wirelessly to a receiving unit of a delivery-medium producing apparatus. As a result, the Examiner asserts that the applicant has failed to properly enable the invention since one having ordinary skill in the art is unable to make and/or use the invention since the specification has failed to show how a digital camera can communicate with the receiving unit of a delivery-medium producing apparatus through wireless communication.

3. **Claims 1, 15, 17, 21, 28, and 31** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant claims:

> "…a receiving unit configured to receive the plurality of images via wireless communications with the one or more digital cameras…"

However, the Examiner asserts that nowhere in the specification nor in the drawings does the applicant disclose a receiving unit that communicates with a digital camera through wireless communication. On the contrary, the applicant has only disclosed that a mobile phone is required in order for the digital camera to communicate with the receiving unit. That is to say, the applicant has only provided a system where the combination of a digital camera and a mobile phone are used to communicate with the receiving unit of a delivery-medium producing apparatus and not just a digital camera communicating with the receiving unit of a delivery-medium producing apparatus.

4. **Claims 1, 15, 18, 21, 28, and 31** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Examiner is also unable to find any support in the specification that the controller, which controls the transmission function of the camera, is part of the camera

itself or whether it is an external device that is connected to the camera, thereby forming a capturing device that comprises a camera and a controller.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1 – 14, 36, 43, 28, 42, 48, 31 – 34, and 49** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fredlund et al. (US Patent 5,666,215)** in view of **Steinberg et al. (US Patent 6,750,902 B1)**.

3. In regards to **claim 1**, **Fredlund** discloses a photofinisher that receives film from a customer, scans the film, and stores the scanned images **(Column 2 Lines 28 – 31)**, wherein the receiving unit receives the plurality of images from a corresponding user (**Column 7 Lines 18 – 19)**. Moreover, the images files are stored in a storage device, which were scanned from the photofinisher **(Column 4 Lines 34 – 36)**. Furthermore, **Fredlund** also discloses a CD-writer for producing Photo CD's **(Column 7 Lines 26 – 27)**.

However, **Fredlund** fails to disclose:

creating image IDs respectively assigned to said plurality of images, each of said image Ids being linked to a predetermined web page on the Internet; and

wherein the digital camera is programmed to automatically determine when an image transmitting condition is met without the user inputting a transmission command

and without receiving an external instruction that the condition is met, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination.

Steinberg, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met **(Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34; Col. 9 Lines 28 – 30; Figure 9)**. **Steinberg**, discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives **(Col. 3 Lines 6 – 10, 16 – 27)**. Further still, **Steinberg** discloses the feature of providing each image with an Image ID as part of the image data **(see at least Col. 8 Lines 46 – 56; Col. 12 Lines 57 – 60)**. **Steinberg** further discloses that this data is used to determine the distribution of the images to other remote locations, such as on the web, or e-mail **(Col. 12 Lines 36 – 43)**. As a result, **Steinberg** discloses that by providing an image ID it would allow for the automatic distribution of images **(Col. 12 Lines 36 – 43)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Fredlund** in view of the teachings of **Steinberg** to incorporate a digital camera that is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives. Moreover, by providing an image ID for each image and having each image ID being linked to a predetermined web page it would allow for a more effective means of image distribution.

Moreover, the Examiner also asserts that the concept claiming at least two devices onto a single device, i.e. integral, would have been obvious. In other words, it would not have been uniquely challenging or difficult for one having ordinary skill in the art to have taken the two devices, i.e. communication device and camera, and to have formed them onto a single device since the only difference is the combination of “old

elements" into a single device by mounting them on a single chassis **(see MPEP 21404.04 Section V: B & C)**.

4. In regards to **claim 2**, **Fredlund** discloses that the processed film is also scanned into a scanner in order to convert the negative film into digital images **(Column 3 Lines 29 – 31)** and is attached with a customer identification number **(Column 3 Lines 34 – 36)**. Once the images are converted they can be later recorded onto a Photo CD, as was previously discussed.

5. In regards to **claim 3**, **Steinberg** discloses wherein:

said plurality of images are automatically transmitted to the receiving unit from a plurality of digital cameras corresponding to a plurality of users **(Col. 10 Lines 37 – 42; Fig. 13)**, and

said delivery-medium recording unit records one or more images of said plurality of images onto one of said recording media for one of said users at predetermined intervals **(Col. 13 Lines 6 – 11)**

6. In regards to **claim 4**, **Fredlund** discloses that once the customer is done with placing an order **(Column 6 Lines 30 – 36)** the images can then be recorded onto a CD with the use of a CD-writer **(Column 8 Lines 56 – 63)**.

7. In regards to **claim 5**, **Fredlund** discloses a computer data entry means that allows a user to input information related to their images **(Column 5 Lines 44 – 51)**. This information can then be recorded onto a recording media if the user chooses to.

8. In regards to **claim 6**, the use of using user ID's in order to access information, especially for online shopping, is well known and common practice in the art.

9. In regards to **claim 7**, the examiner understands that the date and the place are just more information that the user can input into the database that further identifies the images. When the user accesses the database to have select the images they would want recorded they can do so based on the information that was provided. Moreover, it is well known that digital cameras use such information in order to organize the images on its storage medium and that cameras obviously have some type of GPS unit imbedded in them so that phone companies can track where phone calls are being made and determine if the phone is in a roaming area. Therefore, when the images are transmitted to their location through the cellular phone a tag, such as the date and location, must be sent with it so that the phone company can later charge the user for the extra service.

10. In regards to **claim 8**, **Fedlund** discloses a system and method for facilitating ordering and re-ordering of prints from negatives **(Column 2 Lines 45 – 27)**. Moreover, **Fredlund** discloses a computer that controls an image-capable printer for paper prints **(Column 7 Lines 18 – 26)**.

11. In regards to **claim 9**, **Fredlund** discloses that once the customer chooses which images to be re-ordered, the customer is presented with services related to the selected image, such as the quantity and the size **(Column 2 Lines 47 – 57 Column 3 Lines 52 – 63)**.

12. In regard to **claims 10 and 11**, **Fredlund** discloses a mass storage device that stores the, "…digital image along with a customer order number and a unique customer identification number **(Column 3 Lines 33 – 36)**." The customer is then able to use the

identification number given to them to access the images they would like to be printed **(Column 4 Lines 46 – 50)**.

13. In regard to **claims 12 – 14**, **Fredlund** disclosure of a photo production and delivery system that allows customers to submit images to a storage device and assign the customers with an identification number is discussed above. The identification number allows them to access the storage device and select the images they would like printed or recorded on a medium. In the case that the customer would like the images to be recorded on a medium, such as a CD, a CD-writer that is integrated to a computer system would be used. Moreover, the optical disc would have the identification number and image recorded on it **(Column 3 Lines 32 – 36)**.

14. In regards to **claims 36**, it is old and well known that digital cameras store the shot date and number of captured images. As a result, when the receiving unit receives the images from the camera, the shot date and number of captured images would be included as well.

15. In regards to **claims 43**, **Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at lease one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals **(Col. 5 Lines 18 – 37)**.

16. In regards to **claims 51**, **Steinberg** discloses wherein:

said delivery-medium recording unit decides whether to record particular ones of the plurality of images on the same recording medium or on different recording media

based on the date and time of the particular ones of the plurality of images were captured such that:

said delivery-medium recording unit decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said delivery-medium recording unit decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

Specifically, **Steinberg** discloses that the capturing of the images can be performed at a set time or at certain intervals **(Col. 12 Lines 15 – 16)** and transmitting those at a particular time **(Col. 11 Lines 30 – 35)**. **Steinberg** further goes on to disclose that this information is stored within the images as data to be used by the server **(see at least Col. 12 Lines 29 – 43)**. The data is then used to determine the location of where the images are to be distributed **(Col. 12 Lines 29 – 43)**. With that being said, the Examiner asserts that **Steinberg** discloses that each image has stored image data including the date and time of when each image was taken, as well as when each image is to be transmitted, and based on this information the image is sent to be stored/distributed to a specific location, such as the web or the storage device of an e-

mail recipient. In other words, **Steinberg** discloses that based on when the images are transmitted or taken the system of **Steinberg** determines where the image is to be stored, that is, for example, on the web or the storage device of an e-mail recipient.

Thus, it would have been obvious to one having ordinary skill in the art that the location of where the images are stored are based on when the shot was taken and transmitted, whether at a particular time or time interval. That is to say, if the images were shot/transmitted before a specific time or time interval the images would be stored at location A, while the images that were shot/transmitted after a specific time or time interval would be stored at location B.

17. In regards to **claim 28**, **Fredlund** discloses a photofinisher that receives film from a customer, scans the film, and stores the scanned images **(Column 2 Lines 28 – 31)**, which can be found at a photo store, drugstore, or supermarket **(Column 3 Lines 25 – 27)**. Moreover, the images files are stored in a storage device, which were scanned from the photofinisher **(Column 4 Lines 34 – 36)**. Furthermore, **Fredlund** also discloses a CD-writer for producing Photo CD's **(Column 7 Lines 26 – 27)**. The order is then completed automatically **(Column 7 Lines 18 – 19)**, the images can be returned to the customer by mail or picked up by the customer at the location where there were dropped off **(Column 3 Lines 39 – 42)**.

However, **Fredlund** fails to disclose:

creating image IDs respectively assigned to said plurality of images, each of said image Ids being linked to a predetermined web page on the Internet; and

that the digital camera automatically determines when respective image transmitting conditions are met without the user inputting a transmission command the digital camera being programmed to determine when the respective conditions are met without receiving external instructions that the conditions are met.

Steinberg, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met **(Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34; Col. 9 Lines 28 – 30; Figure 9)**. **Steinberg** discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives **(Col. 3 Lines 6 – 10, 16 – 27)**. Further still, **Steinberg** discloses the feature of providing each image with an Image ID as part of the image data **(see at least Col. 8 Lines 46 – 56; Col. 12 Lines 57 – 60)**. **Steinberg** further discloses that this data is used to determine the distribution of the images to other remote locations, such as on the web, or e-mail **(Col. 12 Lines 36 – 43)**. As a result, **Steinberg** discloses that by providing an image ID it would allow for the automatic distribution of images **(Col. 12 Lines 36 – 43)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Fredlund** in view of the teachings of **Steinberg** to incorporate that the digital camera automatically determines when respective image transmitting conditions are met without the user inputting a transmission command in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives. Moreover, by providing an image ID for each image and having each image ID being linked to a predetermined web page it would allow for a more effective means of image distribution.

Moreover, the Examiner also asserts that the concept claiming at least two devices onto a single device, i.e. integral, would have been obvious. In other words, it would not have been uniquely challenging or difficult for one having ordinary skill in the art to have taken the two devices, i.e. communication device and camera, and to have formed them onto a single device since the only difference is the combination of "old elements" into a single device by mounting them on a single chassis **(see MPEP 21404.04 Section V: B & C)**.

18. In regards to **claim 42**, it is old and well known that digital cameras store the shot date and number of captured images. As a result, when the receiving unit receives the images from the camera, the shot date and number of captured images would be included as well.

19. In regards to **claims 48**, **Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at lease one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals **(Col. 5 Lines 18 – 37)**.

20. In regards to **claims 56**, **Steinberg** discloses wherein:

said recording step further comprises deciding whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that;

said delivery-medium recording unit records a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images if a shot interval between said previously captured image and said subsequently captured image is shorter than a predetermined period, and

said delivery-medium recording unit records said subsequently captured image on a different recording medium than said previously captured image if the shot interval between said previously captured image and said subsequently captured image is equal to or longer than the predetermined period.

Specifically, **Steinberg** discloses that the capturing of the images can be performed at a set time or at certain intervals **(Col. 12 Lines 15 – 16)** and transmitting those at a particular time **(Col. 11 Lines 30 – 35)**. **Steinberg** further goes on to disclose that this information is stored within the images as data to be used by the server **(see at least Col. 12 Lines 29 – 43)**. The data is then used to determine the location of where the images are to be distributed **(Col. 12 Lines 29 – 43)**. With that being said, the Examiner asserts that **Steinberg** discloses that each image has stored image data including the date and time of when each image was taken, as well as when each image is to be transmitted, and based on this information the image is sent to be stored/distributed to a specific location, such as the web or the storage device of an e-mail recipient. In other words, **Steinberg** discloses that based on when the images are transmitted or taken the system of **Steinberg** determines where the image is to be stored, that is, for example, on the web or the storage device of an e-mail recipient.

Thus, it would have been obvious to one having ordinary skill in the art that the location of where the images are stored are based on when the shot was taken and transmitted, whether at a particular time or time interval. That is to say, if the images were shot/transmitted before a specific time or time interval the images would be stored at location A, while the images that were shot/transmitted after a specific time or time interval would be stored at location B.

21. **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Fredlund et al. (US Patent 5,666,215)** in view of **Steinberg et al. (US Patent 6,750,902 B1)** and in further view of **Allen et al. (US Patent 5,737,491)**.

22. In regards to **claim 29**, the **combination of Fredlund and Steinberg** are discussed above, but fails to teach a method of transmitting digital images via a phone.

However, **Allen** teaches a method of transmitting images taken by a digital camera that is wirelessly connected to a cellular phone to a specified location so that images can be transmitted at any time as well as freeing up storage space on the camera when needed or to a magazine's photo editor **(Column 1 Lines 60 – 65, Column 3 Lines 5 – 9, Column 2 Lines 1 – 5, Claim 7)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention in view of the teachings of **Allen** to modify the **combination of Fredlund and Steinberg** to include a method of transmitting images to a specified location via a cellular phone.

23. **Claim 31 – 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fredlund et al. (US Patent 5,666,215)** in view of **Steinberg et al. (US Patent 6,750,902 B1)** in further view of **Enomoto et al. (US Patent 5,974,401/JP 10078918 A The examiner would like to note that the English equivalent of will be used and a translation of the original patent of JP 10078918 A published in 1998 has been requested)**.

24. In regard to **claims 31 – 34**, it is well known in the art that a customer must present a method of payment at the time that a specific service is completed whether it would be cash or credit. In regards to be charged through a phone company, it is well known in the art that phone companies will charge their customers for any extra

services on top of their customers' regularly monthly charges. With that said, **Fredlund** and **Steinberg** are discussed above, but fail to teach a method of payment.

However, **Enomoto** does teach:

a payment service in which the customer chooses their mode of payment in the details of the charge **(Column 7 Lines 48 – 53)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention in view of the teachings of **Enomoto** to modify the **combination of Fredlund and Steinberg** to include a payment service for the delivery of the submitted images.

25. In regards to **claims 49**, **Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at lease one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals **(Col. 5 Lines 18 – 37)**.

26. In regards to **claims 57**, **Steinberg** discloses wherein:

said recording step further comprises deciding whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said recording step decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between said previously

captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said recording step decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

Specifically, **Steinberg** discloses that the capturing of the images can be performed at a set time or at certain intervals **(Col. 12 Lines 15 – 16)** and transmitting those at a particular time **(Col. 11 Lines 30 – 35)**. **Steinberg** further goes on to disclose that this information is stored within the images as data to be used by the server **(see at least Col. 12 Lines 29 – 43)**. The data is then used to determine the location of where the images are to be distributed **(Col. 12 Lines 29 – 43)**. With that being said, the Examiner asserts that **Steinberg** discloses that each image has stored image data including the date and time of when each image was taken, as well as when each image is to be transmitted, and based on this information the image is sent to be stored/distributed to a specific location, such as the web or the storage device of an e-mail recipient. In other words, **Steinberg** discloses that based on when the images are transmitted or taken the system of **Steinberg** determines where the image is to be stored, that is, for example, on the web or the storage device of an e-mail recipient.

Thus, it would have been obvious to one having ordinary skill in the art that the location of where the images are stored are based on when the shot was taken and

transmitted, whether at a particular time or time interval. That is to say, if the images were shot/transmitted before a specific time or time interval the images would be stored at location A, while the images that were shot/transmitted after a specific time or time interval would be stored at location B.

27. **Claims 15 – 17 and 44 – 45** are rejected under 35 U.S.C. 102(b) as being anticipate by **Enomoto et al. (US Patent 5,974,401/JP 10078918 A The examiner would like to note that the English equivalent will be used and a translation of the original patent of JP 10078918 A published in 1998 has been requested)** in view of **Steinberg et al. (US Patent 6,750,902 B1)**.

28. In regard to **claims 15**, **Enomoto** discloses a receiving unit operable to receive a plurality of images from a plurality of users **(Column 3 Line 16)**, an image keeping apparatus operable to keep the plurality of images received and recorded therein by the receiving unit **(Column 3 Lines 17 – 20)**, a delivery-medium recording unit operable to record the plurality of images onto recording media in such a manner that each recording media stores on or more images of the plurality of images that were received from one of the users **(Column 8 Lines 27 – 33)**, a keeping-time monitoring unit operable to monitor a keeping time for each of the plurality of images to determine whether or not the keeping time reaches an end of a predetermined keeping term, the keeping time being a time that has passed after each of the plurality of images was recorded in the image keeping apparatus **(Column 8 Lines 20 – 26)**, and a keeping time notifying unit operable to notify, when the keeping time is determined to reach the

end of the predetermined keeping term, a corresponding user of each of the plurality of images that the predetermined term expired **(Column 7 lines 4 – 8)**.

However, **Enomoto** fails to disclose:

creating image IDs respectively assigned to said plurality of images, each of said image Ids being linked to a predetermined web page on the Internet; and

wherein the digital camera is programmed to automatically determine when an image transmitting condition is met without the user inputting a transmission command and without receiving an external instruction that the condition is met, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination.

Steinberg, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met **(Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34; Col. 9 Lines 28 – 30; Figure 9)**. **Steinberg** discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives **(Col. 3 Lines 6 – 10, 16 – 27)**. Further still,

Steinberg discloses the feature of providing each image with an Image ID as part of the image data **(see at least Col. 8 Lines 46 – 56; Col. 12 Lines 57 – 60)**. **Steinberg** further discloses that this data is used to determine the distribution of the images to other remote locations, such as on the web, or e-mail **(Col. 12 Lines 36 – 43)**. As a result, **Steinberg** discloses that by providing an image ID it would allow for the automatic distribution of images **(Col. 12 Lines 36 – 43)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Enomoto** in view of the teachings of **Steinberg** to incorporate a digital camera that is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives. Moreover, by providing an image ID for each image and having each image ID being linked to a predetermined web page it would allow for a more effective means of image distribution.

Moreover, the Examiner also asserts that the concept claiming at least two devices onto a single device, i.e. integral, would have been obvious. In other words, it would not have been uniquely challenging or difficult for one having ordinary skill in the art to have taken the two devices, i.e. communication device and camera, and to have formed them onto a single device since the only difference is the combination of "old elements" into a single device by mounting them on a single chassis **(see MPEP 21404.04 Section V: B & C)**.

29. In regards to **claim 16**, **Enomoto** discloses the image keeping apparatus deletes one of the plurality of images for which the predetermined term expired, if no user's instruction is revised from the corresponding user within a predetermined waiting time period after the notification **(Column 7 Lines 4 – 8; Column 8 Lines 20 – 26)**.

30. In regards to **claims 52**, **Steinberg** discloses wherein:

said delivery-medium recording unit decides whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said delivery-medium recording unit decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said delivery-medium recording unit decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

Specifically, **Steinberg** discloses that the capturing of the images can be performed at a set time or at certain intervals **(Col. 12 Lines 15 – 16)** and transmitting those at a particular time **(Col. 11 Lines 30 – 35)**. **Steinberg** further goes on to disclose that this information is stored within the images as data to be used by the server **(see at least Col. 12 Lines 29 – 43)**. The data is then used to determine the location of where the images are to be distributed **(Col. 12 Lines 29 – 43)**. With that being said, the Examiner asserts that **Steinberg** discloses that each image has stored image data including the date and time of when each image was taken, as well as when each image is to be transmitted, and based on this information the image is sent to be stored/distributed to a specific location, such as the web or the storage device of an e-mail recipient. In other words, **Steinberg** discloses that based on when the images are transmitted or taken the system of **Steinberg** determines where the image is to be stored, that is, for example, on the web or the storage device of an e-mail recipient.

Thus, it would have been obvious to one having ordinary skill in the art that the location of where the images are stored are based on when the shot was taken and transmitted, whether at a particular time or time interval. That is to say, if the images were shot/transmitted before a specific time or time interval the images would be stored

at location A, while the images that were shot/transmitted after a specific time or time interval would be stored at location B.

31. In regards to **claim 17**, **Enomoto** discloses a receiving unit operable to receive a plurality of images from a plurality of users **(Column 3 Line 16)**; an image keeping apparatus operable to keep the plurality of images received and recorded therein by the receiving unit **(Column 3 Lines 17 – 20)**; a delivery-medium recording unit operable to record the plurality of images onto recording media in such a manner that each of the recording media stores on ore more images of the plurality of images that were received form one of the users **(Column 8 Lines 27 – 33)**; a payment-mode receiving unit operable to receive an instruction specifying a payment mode from each of the users **(Column 8 Lines 13 – 14)**; and a payment processing unit operable to indirectly charge each of the uses in accordance with the specified payment mode **(Column 7 lines 48 – 53)**.

However, **Enomoto** fails to disclose:

creating image IDs respectively assigned to said plurality of images, each of said image Ids being linked to a predetermined web page on the Internet; and

wherein the digital camera is programmed to automatically determine when an image transmitting condition is met without the user inputting a transmission command and without receiving an external instruction indicating that the condition is met, and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination.

Steinberg, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met **(Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34; Col. 9 Lines 28 – 30; Figure 9)**. **Steinberg**, discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives **(Col. 3 Lines 6 – 10, 16 – 27)**. Further still, **Steinberg** discloses the feature of providing each image with an Image ID as part of the image data **(see at least Col. 8 Lines 46 – 56; Col. 12 Lines 57 – 60)**. **Steinberg** further discloses that this data is used to determine the distribution of the images to other remote locations, such as on the web, or e-mail **(Col. 12 Lines 36 – 43)**. As a result, **Steinberg** discloses that by providing an image ID it would allow for the automatic distribution of images **(Col. 12 Lines 36 – 43)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Enomoto** in view of the teachings of **Steinberg** to incorporate a digital camera that is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command,

and to automatically transmit the plurality of images to the delivery-medium producing apparatus in response to the determination in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives. Moreover, by providing an image ID for each image and having each image ID being linked to a predetermined web page it would allow for a more effective means of image distribution.

Moreover, the Examiner also asserts that the concept claiming at least two devices onto a single device, i.e. integral, would have been obvious. In other words, it would not have been uniquely challenging or difficult for one having ordinary skill in the art to have taken the two devices, i.e. communication device and camera, and to have formed them onto a single device since the only difference is the combination of "old elements" into a single device by mounting them on a single chassis **(see MPEP 21404.04 Section V: B & C)**.

32. In regards to **claims 44 – 45**, **Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at lease one of: a time that has passed after each image was captured,

the number of the images that have been captured, and predetermined intervals **(Col. 5 Lines 18 – 37)**.

33. In regards to **claims 53**, **Steinberg** discloses wherein:

said delivery-medium recording unit decides whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said delivery-medium recording unit decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said delivery-medium recording unit decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

Specifically, **Steinberg** discloses that the capturing of the images can be performed at a set time or at certain intervals **(Col. 12 Lines 15 – 16)** and transmitting those at a particular time **(Col. 11 Lines 30 – 35)**. **Steinberg** further goes on to disclose that this information is stored within the images as data to be used by the server **(see at least Col. 12 Lines 29 – 43)**. The data is then used to determine the

location of where the images are to be distributed **(Col. 12 Lines 29 – 43)**. With that being said, the Examiner asserts that **Steinberg** discloses that each image has stored image data including the date and time of when each image was taken, as well as when each image is to be transmitted, and based on this information the image is sent to be stored/distributed to a specific location, such as the web or the storage device of an e-mail recipient. In other words, **Steinberg** discloses that based on when the images are transmitted or taken the system of **Steinberg** determines where the image is to be stored, that is, for example, on the web or the storage device of an e-mail recipient.

Thus, it would have been obvious to one having ordinary skill in the art that the location of where the images are stored are based on when the shot was taken and transmitted, whether at a particular time or time interval. That is to say, if the images were shot/transmitted before a specific time or time interval the images would be stored at location A, while the images that were shot/transmitted after a specific time or time interval would be stored at location B.

34. **Claims 18 – 27, 37 – 40, and 46 – 47** are rejected under 35 U.S.C. 102(b) as being anticipated by **Allen et al. (US Patent 5,737,491)** in view of **Steinberg (US Patent 6,750,902 B1)**.

35. In regard to **claims 18 and 19**, **Allen** discloses a camera that is connected wirelessly to a cellular phone **(Column 3 Lines 5 – 9)** for the transmission of images to a server. In Table 1 a list of commands are disclosed, such as the "Send Prints (address)" command that will send the images to a designated address or number through the cellular phone **(Column 2 Lines 1 – 5, Claim 7)**. It is obvious that these

operations must be carried out with the use of a program and a connection-detecting module. Further still, **Allen** also discloses that the digital camera includes a transceiver to transmitting the digital images, and control signals to the image fulfillment server (external apparatus) **(Column 2 Lines 48 – 51)**.

However, **Allen** fails to disclose:

creating image IDs respectively assigned to said plurality of images, each of said image Ids being linked to a predetermined web page on the Internet; and

a transmitting module operable to automatically determine when an image transmitting condition is met without the user inputting a transmission command and without the digital camera receiving external data indicating that the condition is met, and to make said digital camera automatically transmit a plurality of images captured by said digital camera via said mobile phone to an external apparatus for storage in response to the determination.

Steinberg, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met **(Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34; Col. 9 Lines 28 – 30; Figure 9)**. **Steinberg** discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for

customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives **(Col. 3 Lines 6 – 10, 16 – 27)**. Further still, **Steinberg** discloses the feature of providing each image with an Image ID as part of the image data **(see at least Col. 8 Lines 46 – 56; Col. 12 Lines 57 – 60)**. **Steinberg** further discloses that this data is used to determine the distribution of the images to other remote locations, such as on the web, or e-mail **(Col. 12 Lines 36 – 43)**. As a result, **Steinberg** discloses that by providing an image ID it would allow for the automatic distribution of images **(Col. 12 Lines 36 – 43)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Allen** in view of the teachings of **Steinberg** to incorporate a transmitting module operable to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to make said digital camera automatically transmit a plurality of images captured by said digital camera via said phone to an external apparatus for storage in response to the determination in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital

camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives. Moreover, by providing an image ID for each image and having each image ID being linked to a predetermined web page it would allow for a more effective means of image distribution.

Moreover, the Examiner also asserts that the concept claiming at least two devices onto a single device, i.e. integral, would have been obvious. In other words, it would not have been uniquely challenging or difficult for one having ordinary skill in the art to have taken the two devices, i.e. communication device and camera, and to have formed them onto a single device since the only difference is the combination of "old elements" into a single device by mounting them on a single chassis **(see MPEP 21404.04 Section V: B & C)**.

36. In regards to **claims 20 and 23 – 24**, **Steinberg** further discloses comprising a monitoring module operable to monitor the number of said one or more images captured by said digital camera to determine whether or not said number reaches a predetermined number **(Col. 5 Lines 18 – 37)**, wherein

said transmitting module makes said digital camera transmit said one or more images when said monitored number of said one or more images reaches said predetermined number **(Col. 5 Lines 18 – 37)**.

37. In regards to **claims 54**, **Steinberg** discloses wherein:

said external apparatus determines whether to record particular ones of the plurality of images on the same recording medium or on different recording media

based on the date and time each of the particular ones of the plurality of images were captured, such that:

said external apparatus decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said external apparatus decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image the date and time and said subsequently captured image was captured is equal to or longer than the predetermined period.

Specifically, **Steinberg** discloses that the capturing of the images can be performed at a set time or at certain intervals **(Col. 12 Lines 15 – 16)** and transmitting those at a particular time **(Col. 11 Lines 30 – 35)**. **Steinberg** further goes on to disclose that this information is stored within the images as data to be used by the server **(see at least Col. 12 Lines 29 – 43)**. The data is then used to determine the location of where the images are to be distributed **(Col. 12 Lines 29 – 43)**. With that being said, the Examiner asserts that **Steinberg** discloses that each image has stored image data including the date and time of when each image was taken, as well as when each image is to be transmitted, and based on this information the image is sent to be stored/distributed to a specific location, such as the web or the storage device of an e-

mail recipient. In other words, **Steinberg** discloses that based on when the images are transmitted or taken the system of **Steinberg** determines where the image is to be stored, that is, for example, on the web or the storage device of an e-mail recipient.

Thus, it would have been obvious to one having ordinary skill in the art that the location of where the images are stored are based on when the shot was taken and transmitted, whether at a particular time or time interval. That is to say, if the images were shot/transmitted before a specific time or time interval the images would be stored at location A, while the images that were shot/transmitted after a specific time or time interval would be stored at location B.

38. In regards to **claim 21**, **Allen** discloses that digital images taken by a photographer with a digital camera are transmitted wirelessly to a cellular phone, which will then be received by an image fulfillment server **(Column 1 Lines 60 – 65, Column 3 Lines 5 – 8)**. These operations are carried out with a microprocessor found within the digital camera **(Figure 1)**. **Allen** also discloses a digital camera that receives a voice command from a user and then automatically searches a codebook to match the voice command with a command that is found in the codebook. Once the command has been matched, the camera would then perform the function automatically based on what is already programmed in the codebook **(Column 4 Lines 36 – 54)**. Further still, **Allen** also discloses that the digital camera includes a transceiver to transmitting the digital images, and control signals to the image fulfillment server **(external apparatus) (Column 2 Lines 48 – 51)**.

However, **Allen** fails to disclose:

creating image IDs respectively assigned to said plurality of images, each of said image Ids being linked to a predetermined web page on the Internet; and

said controller is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command and without receiving and external instruction that the condition is met, and to control the capturing device to automatically transmit each of said plurality of images via said communicating device to said external apparatus for storage in response to the determination.

Steinberg, however, discloses that it is old and well known for digital cameras to automatically transmit images to an apparatus when a predetermined condition is met **(Col. 2 Lines 4 – 10, 15 – 21, 44 – 48; Col. 5 Lines 5 – 11, 18 – 34; Col. 9 Lines 28 – 30; Figure 9)**. **Steinberg** discloses that an advantage of the present invention is that a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives **(Col. 3 Lines 6 – 10, 16 – 27)**. Further still, **Steinberg** discloses the feature of providing each image with an Image ID as part of the image data **(see at least Col. 8 Lines 46 – 56; Col. 12 Lines 57 – 60)**. **Steinberg**

further discloses that this data is used to determine the distribution of the images to other remote locations, such as on the web, or e-mail **(Col. 12 Lines 36 – 43)**. As a result, **Steinberg** discloses that by providing an image ID it would allow for the automatic distribution of images **(Col. 12 Lines 36 – 43)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Allen** in view of the teachings of **Steinberg** to incorporate said controller is configured to automatically determine when an image transmitting condition is met without the user inputting a transmission command, and to control the capturing device to automatically transmit each of said plurality of images via said communicating device to said external apparatus for storage in response to the determination in order to provide the advantages of a digital camera user can download image camera data to a remote computer or network site and therefore avoid the concern of the need to connect the camera or its removable device to a local computer in order to perform such operation, adds functionality to cameras that are not designed specifically to perform the task of connection to a remote network, provides an apparatus with a connection to a camera that is programmable for customized operations, provides an apparatus that enables a user to send data from a digital camera through a network to a plurality of destinations of a variety of types, such as network printers and remote archives. Moreover, by providing an image ID for each image and having each image ID being linked to a predetermined web page it would allow for a more effective means of image distribution.

Moreover, the Examiner also asserts that the concept claiming at least two devices onto a single device, i.e. integral, would have been obvious. In other words, it would not have been uniquely challenging or difficult for one having ordinary skill in the art to have taken the two devices, i.e. communication device and camera, and to have formed them onto a single device since the only difference is the combination of "old elements" into a single device by mounting them on a single chassis **(see MPEP 21404.04 Section V: B & C)**.

39. In regards to **claim 22**, **Allen** discloses a voice recognition program that allows a user to instruct the camera to send images to an external apparatus **(Column 3 Lines 49 – 52)**.

40. In regard to **claim 25**, **Allen** discloses that the camera "…includes an interface, such as a SCSI port, for connecting to an external input device 27 such as a keyboard or LCD touch screen. The external input device 27 may be used to enter information such as text annotation, electronic addresses of file names that are to be associated with photographer's utterances **(Column 2 Lines 63 – 67, Column 3 Line 1)**." After the photographer takes the picture, a verbal command can be given to transmit the images **(Column 3 Lines 49 – 52)**.

41. In regards to **claim 26**, it is well-known in the art that a digital camera has a display to view stored images and select which images the user would like to view, one such example is Kodaks' DC4800 Digital Camera (http://www.pcstats.com/articleview.cfm?articleID=593,

http://web.archive.org/web/20000815073948/www.kodak.com/US/en/digital/cameras/DCSGateway.jhtml).

42. In regards to **claim 27**, **Allen** discloses a transceiver that is part of the digital camera **(Figure 1, Column 2 Lines 48 – 51)**.

43. In regards to **claims 55**, **Steinberg** discloses wherein:

said recording step further comprises deciding whether to record particular ones of the plurality of images on the same recording medium or on different recording media based on the date and time each of the particular ones of the plurality of images were captured, such that:

said recording step decides to record a subsequently captured one of said plurality of images on the same recording medium as a previously captured one of said plurality of images in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is shorter than a predetermined period, and

said recording step decides to record said subsequently captured image on a different recording medium than said previously captured image in response to determining that the interval between the date and time said previously captured image was captured and the date and time said subsequently captured image was captured is equal to or longer than the predetermined period.

Specifically, **Steinberg** discloses that the capturing of the images can be performed at a set time or at certain intervals **(Col. 12 Lines 15 – 16)** and transmitting those at a particular time **(Col. 11 Lines 30 – 35)**. **Steinberg** further goes on to

disclose that this information is stored within the images as data to be used by the server **(see at least Col. 12 Lines 29 – 43)**. The data is then used to determine the location of where the images are to be distributed **(Col. 12 Lines 29 – 43)**. With that being said, the Examiner asserts that **Steinberg** discloses that each image has stored image data including the date and time of when each image was taken, as well as when each image is to be transmitted, and based on this information the image is sent to be stored/distributed to a specific location, such as the web or the storage device of an e-mail recipient. In other words, **Steinberg** discloses that based on when the images are transmitted or taken the system of **Steinberg** determines where the image is to be stored, that is, for example, on the web or the storage device of an e-mail recipient.

Thus, it would have been obvious to one having ordinary skill in the art that the location of where the images are stored are based on when the shot was taken and transmitted, whether at a particular time or time interval. That is to say, if the images were shot/transmitted before a specific time or time interval the images would be stored at location A, while the images that were shot/transmitted after a specific time or time interval would be stored at location B.

44. In regards to **claim 37**, it is old and well known that images are captured and stored in digital cameras.

45. In regards to **claim 38**, it is old and well known that digital cameras store the shot date and number of captured images. As a result, when the receiving unit receives the images from the camera, the shot date and number of captured images would be included as well.

46. In regards to **claim 39**, it is old and well known that images are captured and stored in digital cameras.

47. In regards to **claim 40**, it is old and well known that digital cameras store the shot date and number of captured images. As a result, when the receiving unit receives the images from the camera, the shot date and number of captured images would be included as well.

48. In regards to **claims 46 – 47**, **Steinberg** discloses wherein said external apparatus automatically records the transmitted images onto recording media in accordance with at lease one of: a time that has passed after each image was captured, the number of the images that have been captured, and predetermined intervals **(Col. 5 Lines 18 – 37)**.

Response to Arguments

49. Applicant's arguments with respect to **claims 1 – 57** have been considered but are moot in view of the new ground(s) of rejection.

Rejection under 35 USC 112, first paragraph

50. The rejections under 35 USC 112, first paragraph, have been maintained. The applicant the current claim language is not to be read as narrow as the Examiner has stated and that:

> "Instead, the claim language also covers embodiments where the camera **indirectly** communicates with the delivery-medium producing apparatus, e.g., via a mobile phone."

However, as admitted by the applicant the claim language "**also covers** embodiments where the camera indirectly communicates with the delivery-medium

producing apparatus." In other words, the broadest reasonable interpretation of the claims, as well as what was admitted by the applicant, the claim language specifically claim two methods of communications, i.e. direct and indirect wireless communications, and is not only directed to indirect wireless communication.

Therefore, the rejection is maintained because in the broadest sense, the claims disclose both indirect and direct wireless communication and, as discussed in the rejection above, the specification only discloses and enables indirect wireless communication.

Moreover, the Examiner disrespectfully disagrees with the applicant's argument, which states:

> "It is respectfully submitted that persons of ordinary skill in the art would understand from the specification that wireless communications between the camera and delivery-medium producing apparatus, with or without a mobile phone, were within the Applicants' possession as of the effective filing date of the present application"

Specifically, the Examiner has discussed in the rejection under 35 USC 112, first paragraph, that the applicant's specification **only discloses** a camera that **requires** a phone to communicate with a delivery-medium producing apparatus. As such, it is asserted that one of ordinary skill in the art would not have understood from reading the applicant's specification that the applicant has possession of the concept of a camera directly communicating with a delivery-medium producing apparatus, since nowhere in the specification does the applicant disclose such an embodiment.

Moreover, the Examiner asserts that the applicant is relying on what one of ordinary skill in the art would have found obvious and well known in the art in order to

understand the method of a camera directly communicating with a delivery-medium producing apparatus without the assistance of a mobile phone and, as such, the Examiner will take the above made statement that the method of a camera wirelessly communicating with a delivery-medium producing apparatus, with or without a mobile phone, is old and well known and would have been well within the skill of one having ordinary skill in the art.

Pertinent Arguments

Rejections under 35 USC 103

51. Applicant's arguments revolve around the allegation that **Steinberg** only discloses a digital camera having to be connected to an external device in order to carry out the transmission. However, as discussed in the rejection above **Steinberg** discloses that the external device and the digital camera can be integrated together onto one device **(see at least Col. 9 Lines 28 – 30; Figure 9)**.

Moreover, the Examiner also asserts that the concept claiming at least two devices onto a single device, i.e. integral, would have been obvious. In other words, it would not have been uniquely challenging or difficult for one having ordinary skill in the art to have taken the two devices, i.e. communication device and camera, and to have formed them onto a single device since the only difference is the combination of "old elements" into a single device by mounting them on a single chassis **(see MPEP 21404.04 Section V: B & C)**.

Further, the Examiner is also unable to find any support in the specification that the controller, which controls the transmission function of the camera, is part of the

camera itself or whether it is an external device that is connected to the camera, thereby forming a capturing device that comprises a camera and a controller.

Finally, the Examiner asserts that the applicant's argument towards **Enomoto** and **Allen** failing to disclose the concept taught by Steinberg is incorrect. As just discussed, **Steinberg** was used to teach this limitation and not **Enomoto** and **Allen**.

Conclusion

52. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. A./
Examiner, Art Unit 3689
4/28/09

/Dennis Ruhl/
Primary Examiner, Art Unit 3689